

OFFICIAL TEXAS ADMINISTRATIVE CODE
TITLE 25. HEALTH SERVICES
PART I. TEXAS DEPARTMENT OF HEALTH
CHAPTER 169. ZOONOSIS CONTROL
RABIES CONTROL AND ERADICATION

§169.21. Purpose.

The purpose of these sections is to protect the public health by establishing uniform rules for the control and eradication of rabies in the State of Texas, in accordance with Chapter 826 of the Texas Health and Safety Code.

§169.22. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Animal - Any mammal, domesticated or wild.

(2) Assistance dog - A dog that is specially trained or equipped to help a person with a physical challenge and that:

(A) is used by a person with a physical challenge who has satisfactorily completed a specific course of training in the use of the dog; and

(B) has been trained by an organization generally recognized by agencies involved in the rehabilitation of persons with a physical challenge as reputable and competent to provide dogs with training of this type.

(3) Cat - Any *Felis catus*.

(4) Currently vaccinated - Vaccinated and satisfying the following criteria.

(A) The animal must have been vaccinated against rabies according to the label recommendations of a United States Department of Agriculture (USDA) approved vaccine.

(B) At least 30 days have elapsed since the initial vaccination.

(C) The time elapsed since the most recent vaccination has not exceeded the label recommendations of the vaccine.

(5) Custodian - A person or agency which feeds, shelters, harbors, has possession or control, or has the responsibility to control an animal.

(6) Department - The Texas Department of Health (TDH).

(7) Dog - Any *Canis familiaris*, including hybrids.

(8) Domestic animal - Any animal normally adapted to live in intimate association with humans or for the advantage of humans.

(9) Domestic dog - Any *Canis familiaris*, excluding hybrids.

(10) Domestic ferret - Any *Mustela putorius furo*.

(11) High risk animals - Those animals which have a high probability of transmitting rabies; they include skunks, bats, species of foxes indigenous to North America, coyotes, and raccoons.

(12) Housing facility - Any room, building, or area used to contain a primary enclosure or enclosures.

(13) Humanely killed - To cause the death of an animal by a method which:

(A) rapidly produces unconsciousness and death without visible evidence of pain or distress; or

(B) utilizes anesthesia produced by an agent which causes painless loss of consciousness, and death following such loss of consciousness.

(14) Hybrid - Any offspring of two animals of different species.

(15) Impoundment – The collecting or confining of an animal because of a state or local ordinance or because of a contract with a county or municipality.

(16) Impoundment facility – An enclosure or a structure in which an animal is collected or confined because of a state law or local ordinance or because of a contract with a county or municipality.

(17) Isolation – The separation of an animal exposed or potentially exposed to rabies.

(18) Local rabies control authority – The officer designated by the municipal or county governing body under the Texas Health and Safety Code, Chapter 826.

(19) Low risk animals – Those which have a low probability of transmitting rabies; they include all animals of the orders Marsupialia, Insectivora, Rodentia, Lagomorpha, and Xenarthra.

(20) Observation period – The time following a bite incident during which the biting animal's health status must be monitored. The observation period for domestic dogs, cats, and domestic ferrets (only) is 10 days (240 hours); the observation period for other animals, not including those defined as high risk or low risk, is 30 days.

(21) Police dog – Domestic dog that is owned or employed by a governmental law enforcement agency.

(22) Primary enclosure – Any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment, or hutch.

(23) Public health region – A contiguous group of Texas counties, so designated by the board.

(24) Quarantine facility – A structure where animals are held for rabies observation.

(25) Quarantine period – That portion of the observation period during which a biting animal is physically confined for observation as provided for in §169.27 of this title (relating to Quarantine Method and Testing).

(26) Sanitize – To make physically clean and to destroy disease-producing agents.

(27) Therapy dog – A dog that helps a person with a diagnosed emotional disorder for whom a letter has been issued by a physician stating that the removal of the animal would be detrimental to the person's emotional health.

(28) Unowned animal – Any animal for which an owner has not been identified.

(29) Vaccinated – Properly injected by a licensed veterinarian with a rabies vaccine licensed for use in that species by the United States Department of Agriculture.

(30) Zoonosis Control Division (ZCD) – The division within the Texas Department of Health to which the responsibility for implementing these rules is assigned.

(31) Zoonosis control representative – Any person employed by the ZCD.

§169.23. Information Relating to the Control of Rabies.

The department's Zoonosis Control Division (ZCD) will assume the responsibility of collecting, analyzing, and preparing monthly and annual summations of rabies activity in the state. These reports will be forwarded to national, state, and municipal agencies as required, and selected statistics will be sent to veterinary medical and animal control organizations throughout the state.

§169.24. Preexposure Rabies Immunization.

Preexposure rabies immunization should be administered to all individuals whose activities place them at a significant risk of exposure to rabies, in accordance with the recommendations of the CDC Immunization Practices Advisory Committee (ACIP).

§169.25. Reports of Human Exposure to Rabies.

(a) Any person having knowledge of a potential rabies exposure to a human as defined in the Texas Health and Safety Code, §826.041 will report the incident to the local rabies control authority as soon as possible, but not later than 24 hours from the time of the incident. This requirement does not apply to bites by low risk animals as defined in §169.22 of this title (relating to Definitions).

(b) The owner or custodian of the potentially rabid animal will place that animal in quarantine or submit it for testing as prescribed in §169.27 of this title (relating to Quarantine Method and Testing).

(c) The local rabies control authority will investigate each potential exposure and assure appropriate resolution, in accordance with §169.27.

§169.26. Facilities for the Quarantining or Impounding of Animals.

(a) Generally.

(1) Structural strength. Housing facilities shall be structurally sound and shall be maintained in good repair in order to protect the animals from injury, to contain them, and to prevent transmission of diseases.

(2) Water and electric power. Reliable and adequate electric power, if required to comply with other provisions of these sections, and adequate potable water shall be available.

(3) Storage. Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

(4) Waste disposal. Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestations, odors, and disease hazards. A suitable method shall be provided to rapidly and safely remove water and other liquid waste from housing facilities. Housing facilities should be designed to have animal excreta removed through sanitary sewers, septic systems, or garbage. All closed drainage systems should be equipped with traps, vents, and acceptable drain covers to exclude rodents and prevent any backup of sewer gas and odors into the facility.

(5) Washrooms and sinks. Facilities for personal hygiene, such as washrooms, basins, or sinks, shall be provided for employees.

(6) Management. The manager of a quarantine facility should be either a licensed veterinarian or an individual who has satisfactorily completed an appropriate TDH training course.

(7) Records. Records shall be kept on each animal processed through the housing facility. At a minimum, the records shall document the animal's description, impoundment date, disposition date, and method of disposition. Records shall be available for inspection by the department.

(8) Heating. Adequate shelter shall be provided to protect animals from any form of cold or inclement weather and direct effects of wind, rain, or snow. Auxiliary heat or clean, dry bedding material shall be provided any time the ambient temperature falls below 50 degrees Fahrenheit (10 degrees Celsius) for more than four consecutive hours when animals are present. If bedding material is used, larger quantities should be used as temperatures drop.

(9) Cooling and Ventilation. Adequate shelter shall be provided to protect animals from any form of overheating and direct rays of the sun. Facilities shall be provided with fresh air either by means of windows, doors, vents, fans, or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as fans or air conditioning, shall be provided in indoor facilities when the ambient temperature is 85 degrees Fahrenheit (29.5 degrees Celsius) or higher.

(10) Lighting. Housing facilities shall have ample light of sufficient intensity to permit routine inspection and cleaning. Primary enclosures shall be situated to protect the animals from excessive illumination.

(11) Construction. Housing facilities must be constructed in such a manner that they will protect the animal and not create a health risk or public nuisance. The building surfaces shall be constructed and maintained so that they are impervious to moisture and may be readily sanitized. Floors shall be made of durable, nonabsorbent material.

(12) Primary enclosures. Primary enclosures shall:

(A) be structurally sound and maintained in good repair;

(B) provide convenient access to clean food and water;

(C) enable the animal to remain dry and clean;

(D) be constructed and maintained so that they are impervious to moisture and may be readily sanitized;

(E) be constructed so as to protect the animal's feet and legs from injury;
and

(F) provide sufficient space to allow each animal to turn around fully, stand, sit, and lie in a comfortable normal position.

(b) Feeding.

(1) Dogs and cats shall be fed at least once a day except as directed by a licensed veterinarian. The food shall be free from contamination, wholesome, palatable, and of sufficient quality and nutritive value to meet the normal daily requirements for the condition and size of the dog or cat.

(2) Domestic ferrets shall have 24-hour access to food. The food shall be free from contamination, wholesome, palatable, and of sufficient quality and nutritive value to meet the normal daily requirements for the condition, size, and age of the domestic ferret.

(3) Food receptacles shall be accessible to all dogs, cats, and domestic ferrets and shall be located so as to minimize contamination by excreta. Food pans or bowls shall be durable and kept clean and sanitary. Disposable food receptacles may be used but must be discarded after each feeding or for domestic ferrets, after 24 hours of use. Self feeders may be used for feeding dry pet foods and shall be kept clean and sanitary.

(c) Watering. If potable water is not accessible to dogs and cats at all times, it shall be offered to them at least twice daily for periods of not less than one hour, except as directed by a licensed veterinarian. Domestic ferrets shall have potable water accessible at all times, provided in drinking bottles of appropriate size to maintain a fresh supply. Water receptacles shall be kept clean and sanitary.

(d) Sanitation.

(1) Cleaning of primary enclosures. Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the inhabitants, but not less than daily.

(2) Sanitation of primary enclosures. Cages, rooms, and pens shall be maintained in a sanitary condition.

(3) Building and premises. Building and premises shall be kept clean.

(e) Pest Control. A regular program for the control of insects, ectoparasites, and other pests shall be established and maintained.

(f) This section applies to all animal shelters located in counties with a population of 75,000 or greater as required by Health and Safety Code, Chapter 823 and to all quarantine or impoundment facilities regardless of county population.

(g) Impoundment facilities in counties with a population less than 75,000 have until January 16, 2005, to be in compliance with the minimum standards set forth in this section.

§169.27. Quarantine Method and Testing.

(a) When a domestic dog, cat, or domestic ferret which has bitten a human has been identified, the owner or custodian will be required to place the animal in quarantine until the end of the 10-day observation period. Unvaccinated animals should not be vaccinated against rabies during the observation period; however, animals may be treated for unrelated medical problems diagnosed by a veterinarian. The observation period will begin at the time of the bite incident. If the animal becomes ill during the observation period, the local rabies control authority must be notified by the person having possession of the animal. The animal must be placed in a department licensed facility specified by the local rabies control authority and observed at least twice daily. However, the local rabies control authority may allow the animal to be placed in a veterinary clinic. As an alternative, the local rabies control authority may allow home quarantine if the following criteria can be met.

(1) A secure enclosure approved by the local rabies control authority must be used to prevent escape.

(2) The animal has been vaccinated against rabies and the time elapsed since the most recent vaccination has not exceeded the label recommendations for the vaccine. If an unvaccinated animal is not over four months of age at the time of the bite, it may be allowed home quarantine.

(3) The local rabies control authority or a licensed veterinarian must observe the animal at least on the first and last days of the quarantine period.

(4) The animal was not a stray (as defined in the Texas Health and Safety Code, §826.002) at the time of the bite.

(b) A domestic animal which has bitten a human and has been designated by the local rabies control authority as unclaimed may be humanely killed in such a manner that the brain is not mutilated. A suitable specimen (head with brain intact or brain) shall be submitted to a department certified laboratory for rabies diagnosis as specified in subsection (h) of this section.

(c) If the biting animal is a high risk animal, it shall be humanely killed and a suitable specimen submitted for rabies testing as specified in subsection (h) of this section.

(d) If the biting animal is a low risk animal, neither quarantine nor rabies testing will be required unless the local rabies control authority has cause to believe the biting animal is rabid, in which case it should be humanely killed and a suitable specimen submitted for rabies testing as specified in subsection (h) of this section.

(e) The local rabies control authority may require an animal which has inflicted multiple bite wounds, punctures, or lacerations to a person to be humanely killed and a suitable specimen submitted for rabies testing as specified in subsection (h) of this section.

(f) If the biting animal is not included in subsection (a), (b), (c), (d), or (e) of this section, the biting animal will be humanely killed and a suitable specimen submitted for rabies testing as specified in subsection (h) of this section or the local rabies control authority may require the

animal to be quarantined or suitably confined for the 30-day observation period as an alternate method to killing and testing.

(g) Any animal required to be quarantined under this section, which cannot be maintained in a secure quarantine, shall be humanely killed and a suitable specimen submitted for rabies testing as specified in subsection (h) of this section.

(h) All laboratory specimens referred to in subsections (b) - (g) of this section shall be submitted in accordance with §169.33 of this title (relating to Submission of Specimens for Laboratory Examination).

(i) At the discretion of the local rabies control authority, currently vaccinated assistance, therapy, and police dogs may not be required to be placed in quarantine during the observation period.

§169.28. Requirements of a Quarantine Facility.

(a) Quarantine procedures.

(1) Quarantine facilities shall have and use written standard operating procedures (SOP) specific for that facility to ensure effective and safe quarantine procedures. The SOP shall be posted in the quarantine facility and adhered to by each employee.

(2) An animal which may have exposed a human to rabies and animals suspected of rabies that are placed in quarantine for observation must be separated by a solid partition from all other animals in such a manner that there is no possibility of physical contact between animals. An empty chamber between animals is not an acceptable alternative. To prevent escape, the chamber must be enclosed on all sides, including the top. Quarantine cages, runs, or rooms must have "Rabies Quarantine" signs posted.

(3) Unowned animals may be destroyed for rabies diagnosis prior to the end of the quarantine period.

(b) Facilities planning. Any county, city, town, or incorporated community desiring to construct animal quarantine facilities shall submit plans to the department for approval.

(c) Inspection requirements of quarantine facilities.

(1) It will be the responsibility of the department to inspect all animal quarantine facilities. The inspection of the premises will be accomplished during ordinary business hours. All deficiencies will be documented in writing. Those that are of sufficient significance to affect the humane care or security of any animal confined to the facility must be corrected within a reasonable period of time.

(2) The inspections will be accomplished annually or more frequently when significant discrepancies have been identified. Any facility that does not achieve acceptable standards will not be licensed for rabies quarantine operations.

(3) The quarantine facility manager has the right to appeal the results of the inspection evaluation. If the opinion of management of the quarantine facility is in conflict with the inspection evaluation, he or she may request a review of the inspection by the director of the department's Zoonosis Control Division. In the event points of difference still remain, the supervisor may request a review of the inspection by the chief of the department's Bureau of Communicable Disease Control. Each of the appeals listed in this paragraph, when required, will be made in writing through the regional director's office of the public health region in which the animal facility is located.

§169.29. Vaccination Requirement.

(a) The owner or custodian (excluding animal shelters) of each domestic dog or cat shall have the animal vaccinated against rabies by four months of age. The animal must receive a booster within the 12-month interval following the initial vaccination. Every domestic dog or cat must be revaccinated against rabies at a minimum of at least once every three years with a rabies vaccine licensed by the United States Department of Agriculture. The vaccine must be administered according to label recommendations. Livestock (especially those that have frequent contact with humans), domestic ferrets, and wolf-dog hybrids should be vaccinated against rabies. Nothing in this section prohibits a veterinarian and owner or custodian from selecting a more frequent rabies vaccination interval. Health and Safety Code, §§826.014 and 826.015 allow local jurisdictions to establish more frequent rabies vaccination intervals.

(b) Official rabies vaccination certificates shall be issued by the vaccinating veterinarian and contain the following information:

(1) owner's name, address, and telephone number;

(2) animal identification - species, sex (including neutered if applicable), approximate age (three months to 12 months, 12 months or older), size (pounds), predominant breed, and colors;

(3) vaccine used - producer, expiration date, and serial number;

(4) date vaccinated;

(5) date vaccination expires (revaccination due date);

(6) rabies tag number if a tag is issued;

(7) veterinarian's signature or signature stamp and license number.

(c) A copy of each rabies vaccination certificate issued shall be retained by the issuing veterinarian and be readily retrievable for a period of not less than five years from the date of issuance.

(d) If a veterinarian ceases the practice of veterinary medicine, the duplicate rabies vaccination certificates retained by that practice shall be turned over to the local rabies control

authority. This does not apply to the sale or lease of a practice, when the records of the practice are transferred to a new owner.

169.30. Disposition of Domestic Animals Exposed to Rabies.

(a) Not currently vaccinated animals which have been bitten or directly exposed by physical contact with a rabid animal or its fresh tissues shall be:

(1) humanely killed; or

(2) if sufficient justification for preserving the animal exists, the exposed animal shall be immediately vaccinated against rabies, placed in strict isolation for 90 days, and given booster vaccinations during the third and eighth weeks of isolation. For young animals, additional vaccinations may be necessary to ensure that the animal receives at least two vaccinations at or after the age prescribed by the United States Department of Agriculture for the vaccine administered.

(b) Currently vaccinated animals which have been bitten or otherwise significantly exposed to a rabid animal shall be:

(1) humanely killed; or

(2) if sufficient justification for preserving the animal exists, the exposed vaccinated animal shall be given a booster rabies vaccination immediately and placed in strict isolation for 45 days.

(c) These provisions apply only to domestic animals for which an approved rabies vaccine is available.

(d) In situations where none of the requirements of this section are applicable, the recommendations contained in the latest edition of the publication titled The Compendium of Animal Rabies Control, published by the National Association of State Public Health Veterinarians, should be followed.

§169.31. Interstate Movement of Dogs and Cats into Texas.

Each dog and cat over three months of age to be transported into Texas for any purpose shall be admitted only when vaccinated against rabies and the time elapsed since the most recent vaccination has not exceeded the label recommendations for the vaccine. Additionally, identification must be provided by a vaccination certificate showing the date of vaccination, vaccine used, and signature of the licensed veterinarian who administered the vaccine.

§169.32. International Movement of Dogs and Cats into Texas.

Each dog and cat over three months of age to be transported into Texas for any purpose shall be admitted only when vaccinated against rabies and the time elapsed since the most recent vaccination has not exceeded the label recommendations for the vaccine. Additionally, identification must be provided by a vaccination certificate showing the date of vaccination,

vaccine used, and signature of the licensed veterinarian who administered the vaccine. International movement of dogs and cats into Texas will also include any rules and regulations prescribed by the United States government.

169.33. Submission of Specimens for Laboratory Examination.

Preparation of specimens either for shipment or for personal delivery for rabies diagnosis shall include the following.

(1) Damage to the brain caused by shooting or other traumatizing procedures shall be avoided.

(2) The head of the suspect animal shall be separated from the body immediately after death by a qualified person. Only the head shall be submitted with the exception that whole bats may be submitted. If only the brain is submitted rather than the entire head, parts of the cerebellum, hippocampus, and brain stem must be included. Specimens which do not include at least two of these three areas of the brain will be considered unsatisfactory due to a lack of sufficient material.

(3) The head shall be immediately chilled to between 45 degrees Fahrenheit and 32 degrees Fahrenheit either in a refrigerator or by packing for shipping with sufficient amounts of refrigerants in the container. The head should not be frozen.

(4) If specimens are shipped, two containers shall be used for packing.

(A) The immediate (inner) container. Only one head shall be placed in each immediate container which shall be double plastic bags. Attach the owner's name or an identification number to each double-sealed plastic bag. Adhesive tape is useful. Do not use masking tape.

(B) The shipping (outer) container.

(i) The immediate container(s) shall be placed in an insulated shipping container of adequate strength to withstand shipping conditions, such as a styrofoam container inside a cardboard box.

(ii) Sufficient refrigerant shall be added so the head will remain chilled for a minimum of 48 hours. Do not use dry ice. Gel packs or similar refrigerants are recommended. Ice is not recommended but, if used, must be doubled-bagged in heavy-duty plastic bags.

(iii) Packing material, such as newspaper, shall be added to absorb water and blood in the event of leakage and buffer the specimens.

(iv) A completed Texas Department of Health Form G-9, Rabies Submission Form, which is available at the department's Bureau of Laboratories, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, is required for each head submitted. Each form must

contain the same identification information as located on the specimen bag as stated in subparagraph (4)(A) of this section. Submission form(s) shall be placed in a water-proof bag on top of the Styrofoam container inside the cardboard box. If a combination of a Styrofoam container and cardboard box is not used, the form(s) shall be placed on top of the packing material inside the outer container.

(v) Labeling on the outside of the shipping container shall be legible and include:

(I) name, address, and telephone number of the appropriate laboratory (listed in paragraph (6) of this section);

(II) the return address, name, and telephone number of the shipper; and

(III) the following statement: "RABIES SUSPECT - REFRIGERATE ON ARRIVAL."

(5) The following procedures are required for shipment:

(A) shipment shall be by bus or other reliable carrier; the department does not recommend the United States Postal Service. If an overnight carrier is used, such as United Parcel Service (UPS) or Federal Express, ship the specimen such that it will arrive by Friday or delay shipment until Monday. These services do not deliver to the department on the weekend;

(B) a shipping receipt will be obtained and retained by the shipper;

(C) at the time of the shipment, the shipper shall telephone the appropriate laboratory and notify laboratory personnel of the shipment; and

(D) the shipper shall provide the return postage (in the form of stamps, not money) if return of the shipping container is desired.

(6) The certified laboratories in Texas are:

(A) Austin - Bureau of Laboratories, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, telephone the rabies shipment notification hotline at 1-800-252-8163, or the local telephone at: (512) 458-7595, (512) 458-7515, or (512) 458-7491.

(B) El Paso - Laboratory, El Paso City - County Health Department, 222 South Campbell, El Paso, Texas 79901, telephone: (915) 543-3536;

(C) Houston - Bureau of Laboratory Services, City of Houston Health Department, 1115 South Braeswood, Houston, Texas 77030, telephone: (713) 558-3468 or (713) 558-3467;

(D) San Antonio - Laboratory, San Antonio Metropolitan Health District,
332 West Commerce Street, Room 203, San Antonio, Texas 78205, telephone:
(210) 207-8884.

§169.34. Statewide Quarantine.

(a) Declaration. The board declares a statewide rabies quarantine.

(1) Statewide quarantine. The area is defined by the borders of the State of Texas.

(2) It is illegal to transport animals subject to the statewide rabies quarantine from, to, or within the State of Texas.

(3) Animals subject to the statewide rabies quarantine include any live coyote (*Canis latrans*), raccoon (*Procyon lotor*), or species of foxes indigenous to North America.

(4) Transport exceptions. Animals subject to the statewide rabies quarantine may be transported by peace officers and individuals hired or contracted by state or federal agencies or local governments to deal with stray animals when such transport is a part of their official duty. These animals may also be transported by employees of zoos or other institutions accredited by the American Association of Zoological Parks and Aquariums when such transport is part of their official duty. If an exempt individual transports such animals for release, the animals must be released within a ten-mile radius or within ten miles of the city limits of where they were originally captured.

(b) Board's designee. The board's designee is the commissioner, whom the board appoints to act as its designee as described in Texas Health and Safety Code, §826.045.

(c) Special provisions for raccoons. In addition to the transport exceptions listed in subsection (a)(4) of this section, the following individuals may transport raccoons:

(1) rehabilitators permitted by the Texas Parks and Wildlife Department may transport raccoons within a ten-mile radius or within ten miles of the city limits of where they were originally captured;

(2) pest control operators licensed by the Structural Pest Control Board may transport raccoons within a ten-mile radius or within ten miles of the city limits of where they were originally captured; and,

(3) educators permitted by the Texas Parks and Wildlife Department for educational display.

(d) Rehabilitation of animals. Except for raccoons, rehabilitation of animals listed in subsection (a)(3) of this section is prohibited.